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Comments

Applicant:	Yang, et al.	Examiner:	Dustin Nguyen
Patent No.:		Art Unit:	2154
Issued:			
Serial No.:	09/866,375		
Filing Date:	May 25, 2001		
Title:	*REMOTE CONTROL OF A CLIENT'S OFF-SCREEN SURFACE*		

Sir:

Transmitted herewith for filing in the above-referenced application, please find the following documents:

1) Notice of Appeal Under 37 C.F.R. § 1.191 (1 page);
2) Pre-Appeal Brief Reasons for Requesting Review (3 pages);
3) Credit Card payment Form (1 page); and
4) This Transmittal (1 page).

Kindly acknowledge receipt of the attached documents by return facsimile transmission. Thank you for your kind attention to this request.

Respectfully Submitted,

Leigh J. Martinson
Reg. No. 50,749

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UNDER 35 U.S.C. § 1.116

ATTORNEY DOCKET NO. 2006579-0155 (CTX-071)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yang, *et al.*	Examiner:	Dustin Nguyen
Serial No.:	09/866,375	Art Unit:	2154
Filing Date:	May 25, 2001		
Title:	Remote Control of a Client's Off-Screen Surface		

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PRE-APPEAL BRIEF REASONS FOR REQUESTING REVIEW

The following Reasons are submitted with the "PRE-APPEAL BRIEF REQUEST FOR REVIEW" form PTO/SB/33 and A NOTICE OF APPEAL in compliance with 37 CFR 41.31.

In an Office Action dated January 27, 2006, the Examiner maintained the rejection of claims 1, 2, 4-9, 12, and 14-18 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,073,192 to Clapp *et al.* (hereafter "Clapp") in view of United States Patent No. 6,483,515 to Hanko (hereafter "Hanko"). Applicants respectfully submit that this rejection contains clear error because one or more claim limitations is not taught by this combination. Further, Applicants respectfully submit that the combination of Clapp and Hanko is improper because there is no suggestion or motivation to combine the references.

In a first Response to the Non-Final Office Action filed on March 14, 2005, at pages 6 and 7, Applicants provided a clear and concise explanation as to why Clapp (in combination with United States Patent No. 5,983,190 to Tower II *et al.*) fails to teach or suggest each and every claim limitation of the rejected claims. Further, the Response to the Non-Final Office Action filed by Applicants on October 13, 2005 at pages 5-8 also provides a clear and concise explanation as to why the combination of Clapp and Hanko fails to teach or suggest each and

every claim limitation of claims 1, 2, 4-9, 12, and 14-18. Also in that Response at page 8, Applicants provided a clear and concise explanation as to why the hypothetical combination Clapp and Hanko changes the principle of operation of each reference and is, therefore, improper.

In addition to the arguments previously presented, Applicants provide the following arguments in support of the position that the combination of Clapp and Hanko fails to teach or suggest each and every element of claims 1, 2, 4-9, 12, and 14-18. In the present Office Action, it appears that the Examiner is taking the position that because a local computer *transmits (i.e, sends)* off-screen window buffer data to a remote computer, this equates to an instruction to copy the received data to an off-screen window buffer on a remote computer. That is clearly not the case. Nowhere in Clapp, does a local computer *instruct,* as recited in Applicants' claimed invention, the remote computer to perform any function with the received off-screen window buffer data. This very point was argued to the Examiner in both of the previous responses.

Further, the local computer of Clapp does not *instruct* the remote computer to select a memory region for the remote computer's off-screen surface, as recited in Applicants' independent claims 1 and 12. In Clapp, there is no mention of such an instruction. That is, the local computer does not send an instruction to the remote computer to select a memory region to use an off-screen surface. Again, this point was presented to the Examiner in both of the previous responses.

Accordingly, Applicants respectfully submit that the combination of Clapp and Hanko fails to teach or suggest each and every element of Applicants' claimed invention. On that basis alone, the rejection of claim 1, 2, 4-9, 12, and 14-18 is improper.

The following summarizes the position Applicants' took in their previous response regarding the combination of Clapp and Hanko: Clapp requires the use of an off-screen buffer while Hanko teaches away from using an off-screen buffer. Specifically, Hanko states "[e]xisting rendering methods require the use of off-screen memory to store the tile pattern. The tile pattern is then transferred to on-screen memory for display. However, in some computer systems, the display devices may not include any off-screen memory. As such, the entire background comprised of multiple instances of the tile pattern needs to be transmitted for display on the terminal. However, transmitting the entire tile pattern is time consuming and wastes valuable computational time and resources." See column 1, lines 26-36 of Hanko. To address

the problem, Hanko teaches "storing the tile image data starting at a location in an *on-screen* frame buffer corresponding to a coordinate location within the display area" See column 1, lines 50-52. Clearly, requiring Hanko to use an off-screen buffer changes the principle of operation of Hanko. Similarly, requiring Clapp to use an on-screen buffer changes its principle of operation. Accordingly, Applicants' respectfully submit that the rejection of claims 1, 2, 4-9, 12, and 14-18 under 35 U.S.C. § 103(a) is improper.

Additionally, the Examiner maintained the rejection of claims 3, 10, 11, 13, 19, and 20 under 35 U.S.C. §103(a) as obvious over Clapp in view of Hanko, and in further view of United States Patent Application No. 2003/0084052 to Peterson (hereafter "Peterson").

These rejections are improper because (1) each and every claim element of claims 3, 10, 11, 13, 19, and 20 is not taught by the combination of the various references and (2) the suggestion or motivation to combine the references as provided by the Examiner is improper.

In the Response to the Non-Final Office Action filed by Applicants on October 13, 2005 at pages 8-9, applicants provided a clear and concise explanation as to why the combination of Clapp, Hanko, and Peterson fails to teach or suggest each and every claim limitation of claims 3, 10, 11, 13, 19, and 20 and why the combination of these references is improper.

Respectfully submitted,

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Dated: April 20, 2006

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